

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WISCONSIN SHEET METAL WORKERS HEALTH AND  
BENEFIT FUND, MILWAUKEE AREA SHEET METAL  
JOURNEYMEN AND APPRENTICESHIP TRAINING FUND,  
WISCONSIN SHEET METAL WORKERS LOCAL 18  
VACATION FUND, WISCONSIN SHEET METAL WORKERS  
LOCAL 18 RETIREMENT FUND, WISCONSIN SHEET METAL  
WORKERS LOCAL 18 INDUSTRY FUND and PATRICK  
LANDGRAF (in his capacity as Trustee),

SHEET METAL WORKERS UNION, LOCAL 18,

SHEET METAL WORKERS NATIONAL PENSION FUND,  
SHEET METAL OCCUPATIONAL HEALTH INSTITUTE TRUST FUND,  
NATIONAL ENERGY MANAGEMENT INSTITUTE COMMITTEE,  
NATIONAL TRAINING FUND FOR THE SHEET METAL AND AIR  
CONDITIONING INDUSTRY, NATIONAL STABILIZATION AGREEMENT OF  
THE SHEET METAL INDUSTRY TRUST FUND, SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION SCHOLARSHIP FUND, and  
BOARD OF TRUSTEES, SHEET METAL WORKERS NATIONAL PENSION FUND,

Plaintiffs,

v.

ORDER

GALESVILLE EXCAVATING PLUMBING &  
HEATING and ALVIN P. KULAS,

11-cv-475-wmc

Defendants.

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Now before the court is plaintiffs' motion for summary judgment to which defendants have filed no opposition. The court is nevertheless unable to rule on plaintiff's motion because of deficiencies in plaintiffs' original filings. *First*, plaintiffs have failed to submit any proposed findings of fact in support of their motion, as required by this court's pretrial conference order. (Dkt. #7, p. 8.) Not only were findings of fact not filed with this court, plaintiffs' own certificate of service makes no

mention of proposed findings of fact being served on defendants. *Second*, plaintiffs' brief in support does not set forth adequate grounds for relief.

Accordingly, plaintiffs will be given an opportunity to re-submit support for their motion with the following guidelines in mind:

- (1) as a separate document, submit individually-numbered proposed findings of fact with supporting record citations that you contend entitles you to summary judgment; and
- (2) in your brief, (a) explain on a claim-by-claim basis how your proposed facts entitle you to the relief requested with supporting legal citations; and (b) if applicable, explain how your proposed facts justify the amount of damages claimed.

#### ORDER

IT IS ORDERED that:

- 1) Plaintiffs may have until June 22, 2012 to submit their proposed findings of fact and to re-submit a concise, clearly argued brief in support of their motion for summary judgment.
- 2) Defendants shall file and serve a response complying with this court's summary judgment procedures on or before July 9, 2012.
- 3) Plaintiffs may have until July 19, 2012, to file a reply, if any.

Entered this 12th day of June, 2012.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge